

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **ELI J. HAMMER, M.D.**

4 Holder of License No. **17176**
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-07-0412A

**INTERIM FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER
FOR SUMMARY SUSPENSION OF
LICENSE**

7 **INTRODUCTION**

8 The above-captioned matter came on for discussion before the Arizona Medical Board
9 ("Board") on July 13, 2007. After reviewing relevant information and deliberating, the Board
10 considered proceedings for a summary action against the license of Eli J. Hammer, M.D.
11 ("Respondent"). Having considered the information in the matter and being fully advised, the Board
12 enters the following Interim Findings of Fact, Conclusions of Law and Order for Summary
13 Suspension of License, pending formal hearing or other Board action. A.R.S. § 32-1451(D).

14 **INTERIM FINDINGS OF FACT**

15 1. The Board is the duly constituted authority for licensing and regulating the practice of
16 allopathic medicine in the State of Arizona.

17 2. Respondent is the holder of License No. 17176 for the practice of allopathic medicine
18 in the State of Arizona.

19 3. On May 16, 2007 the Drug Enforcement Administration ("DEA") informed the Board
20 of a search warrant executed on May 1, 2007 at Respondent's office under which they removed
21 306 patient files, a computer, and human growth hormone. The DEA's investigation of Respondent
22 is on-going.

23 4. On May 24, 2007 Respondent was interviewed by Board Staff and the Board's Chief
24 Medical Consultant. As a result of the interview, an Interim Order was entered ordering
25

1 Respondent to present for a urine and hair test. The results of the urine test were positive for
2 Benzodiazepine, specifically Xanax.

3 5. Based on the positive urine test Respondent was interviewed by Board Staff and
4 the Board's contracted addiction medicine specialist on June 8, 2007. During the interview
5 Respondent said he obtained the Xanax from a relative, but would not disclose that relative's
6 name. Respondent's refusal to provide the name precluded the Board from conducting a pharmacy
7 survey to verify Respondent's story and determine whether there were additional prescribing
8 issues. At the conclusion of the interview the addiction medicine specialist opined that based on
9 the information he had at that time there was no evidence of impairment by Respondent to Xanax,
10 but if Respondent was writing the prescriptions to the relative for diversion to himself, it would be
11 problematic and Respondent would be required to undergo an in-patient evaluation.

12 6. On June 20, 2007 Respondent was again interviewed by Board Staff. Respondent
13 provided the name of the family member from whom he obtained the Xanax and admitted that he
14 had written the prescriptions for Xanax. At the conclusion of this interview, Respondent was again
15 requested to submit to a urine and hair test. The results of the test were positive for
16 Ethylglucuronide at levels over 10,000. After reviewing this additional information the Board's
17 addiction medicine specialist recommended Respondent be required to submit to a chemical
18 dependency evaluation.

19 7. On June 29, 2007 Respondent was ordered to undergo an inpatient evaluation at a
20 Board approved facility within 14 days from the date of the order. Respondent was given the name
21 of two Board-approved evaluation facilities to choose from. Respondent was told to contact one of
22 the facilities, make the arrangements for his evaluation and contact Board Staff with the name of
23 the facility he had chosen.

24 8. On July 11, 2007 Respondent's attorney notified Board Staff that Respondent was
25 undergoing substance abuse evaluation with a practitioner whose name she would not provide and

1 she requested Board Staff provide her with any collateral information for forwarding to the
2 practitioner. This practitioner is not one of two facilities named by Staff. By not presenting to a
3 Board-approved facility for evaluation within 14 days of the date of the June 29, 2007 Interim Order
4 Respondent is in violation of the Order. Respondent's conduct evidences his refusal to be
5 regulated by the Board.

6 9. The facts as presented demonstrate that the public health, safety or welfare
7 imperatively requires emergency action.

8 **INTERIM CONCLUSIONS OF LAW**

9 1. The Board possesses jurisdiction over the subject matter hereof and over
10 Respondent, holder of License No. 17176 for the practice of allopathic medicine in the State of
11 Arizona.

12 2. The conduct and circumstances described above constitute unprofessional conduct
13 pursuant to A.R.S. § 32-1401(27)(r)("[v]iolating a formal order, probation, consent agreement or
14 stipulation issued or entered into by the board or its executive director under this chapter.").

15 3. Based on the foregoing Interim Findings of Fact and Conclusions of Law, the public
16 health, safety or welfare imperatively requires emergency action. A.R.S. § 32-1451(D).

17 **ORDER**

18 Based on the foregoing Interim Findings of Fact and Conclusions of Law, set forth above,
19 IT IS HEREBY ORDERED THAT:

20 1. Respondent's license to practice allopathic medicine in the State of Arizona,
21 License No. 17176, is summarily suspended pending a formal hearing before an Administrative
22 Law Judge from the Office of Administrative Hearings.

23 2. The Interim Findings of Fact and Conclusions of Law constitute written notice to
24 Respondent of the charges of unprofessional conduct made by the Board against him.

Respondent is entitled to a formal hearing to defend these charges as expeditiously as possible after the issuance of this order.

3. The Board's Executive Director is instructed to refer this matter to the Office of Administrative Hearings for scheduling of an administrative hearing to be commenced as expeditiously as possible from the date of the issuance of this order, unless stipulated and agreed otherwise by Respondent.

DATED this 3 day of July 2007

[SEAL]



ARIZONA MEDICAL BOARD

By [Signature]
Timothy C. Miller, J.D.
Executive Director

ORIGINAL of the foregoing filed this 13th day of July 2007, with:

Arizona Medical Board
9545 East Doubletree Ranch Road
Scottsdale, Arizona 85258

EXECUTED COPY of the foregoing
mailed by US Mail this 13th day of
July 2007 to:

Debra Hill
Osborn Maledon, P.A.
2929 North Central Avenue – Suite 2100
Phoenix, Arizona 85012

Eli J. Hammer, M.D.
Address of Record

Dean Brekke
Assistant Attorney General
Arizona Attorney General's Office
1275 West Washington, CIV/LES
Phoenix, Arizona 85007

[Signature]